



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Joe Piccolo, *Chair*
Paula Doughty, *Vice-Chair*
David F. Echols
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Richard W. Sprott
Jay Ivan Olsen
Gregory L. Rowley
Steven P. Simpson
Daniel C. Snarr
Phil Wright
Walter L. Baker,
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

The Festival Hall & Heritage Theater Convention Complex
Upper Floor – 105 North 100 East
Cedar City, Utah
Tuesday, September 16, 2008

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Paula Doughty	Jay Olsen	Darrel Mensel
Leland Myers	Steve Simpson	Dan Snarr
Gregory Rowley	Joe Piccolo	Phil Wright
Merritt Frey	Rick Sprott	

ABSENT: Dave Echols

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, John Whitehead, Leah Ann Lamb, John Mackey, Carl Adams, Jeff Ostermiller, Paul Krauth, Scott Daly, Jodi Gardberg, Ed Macauley, Jim Harris, Bill Moellmer, Sandy Wingert

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
John Chartier	DEQ District Engineer
Dru Whitlock	CH2M Hill
Christina Osborn	JUB Engineers
Don Summit	JBS Swift
Howard Thomas	UFBF
Mark Peterson	UFBF
Gary Kleeman	EPA
Jan Anderson	Utah Farm Bureau
Thomas Holstrom	CVWRF

Chair Piccolo called the Board meeting to order at 1:15 p.m. He welcomed those in attendance and invited the members of the audience to introduce themselves

APPROVAL OF MINUTES OF THE AUGUST 7, 2008 MEETING

Mr. Myers noted a few corrections to the minutes, which included some typos and he noted that the motion made on the *Request to conduct Public Hearing for Salt Lake Valley Aquifer Classification* presented by Ed Hickey was left out of the minutes.

Motion: **It was moved by Mr. Olsen and seconded by Mr. Rowley to approve the minutes of the August 7, 2008 Board with the noted corrections. The motion was unanimously approved.**

Executive Secretary's Report: Mr. Baker told the Board: 1) staff received the PCB results from the Utah Lake study. Carp & Channel Catfish have a high level. Twenty-three (23) sites were tested with a negative result. Screening was tested below the threshold of the problem. EPA will look at the lower level. PCB levels in the sediment are below the EPA screening level of 59. parts per billion that is a protective benchmark. 2) A new Great Salt Lake (GSL) Advisory Council has been formed at Governor Huntsman's request. The advisory council will be focused on the GSL. Senator Dan Eastman is Chairing the committee. 3) The process has been challenging with negotiations on the Performance Partnership Program with EPA. We would like to limit EPA's involvement in some areas. 4) The federal budget is tight this year and we expect the State Budget to be even tighter. The Legislature is asking each department to make a contingency plan for possible cuts of 1%, 3%, and 5% in the budget.

LOAN PROGRAM

Financial Assistance Status Report – Mr. Macauley updated the Board on the “Financial Status Report.”

Request to fund a study of the Impacts of Potential Statewide Discharge Standards for Nutrient Removal: Mr. Mackey explained to the Board that the Division of Water Quality (DWQ) is requesting a Planning Grant in the amount of \$695,000 to determine the local and aggregate costs resulting from the potential implementation of statewide nutrient discharge standards for treated wastewater in the State of Utah. The principal objective of the study is to determine the local and aggregate economic impacts resulting from the potential implementation of statewide nutrient discharge standards for treated wastewater in the State of Utah. A second key objective of the study is to quantify the potential environmental benefits that would result from various statewide nutrient discharge standards.

Motion: **It was moved by Ms. Doughty to approve staff's request to grant \$695,000 to DWQ to perform a Nutrient Impact Study. The motion was seconded by Mr. Mensel and was unanimously approved.**

RULEMAKING

Results of the Public Comment on the Proposed Water Quality Standards revisions and timeline for preparing a change in Proposed Rule: Mr. Ostermiller and Bill Moellmer summarized public comments received through the triennial review process and associated proposed changes to rule in response to these comments. Substantive recommended changes to the proposed rule proposed include: 1) clarification of the 10% assessment rule; 2) requiring Level II Antidegradation Reviews for new or increased discharges into class 1C waters; 3) postponing some of the proposed site-specific standards and beneficial use changes until sufficient justification documents can be developed; 4) reinstating existing beneficial uses in Wildlife Management Areas (WMAs) that were inadvertently deleted with the proposed segmentation of the Great Salt Lake; 5) changing “secondary contact recreation” to “infrequent primary and frequent secondary contact recreation”; and 6) removal of the monitoring and assessment methods for the GSL selenium standard from rule.

Mr. Myers of the Board expressed concern that the reinstatement of existing standards with WMAs would result in wetlands being listed as impaired on the 303d list without sufficient scientific rationale. Mr. Ostermiller and Mr. Moellmer agreed to look into other listing options so that these wetlands would not be listed as impaired until there was sufficient scientifically defensible rationale for making an impairment decision.

Mr. Olsen of the Board expressed concern over the exclusion of wildlife sources from the *E. coli* standard because such language may place overly onerous regulations on the agricultural community. Mr. Ostermiller and Mr. Moellmer agreed to look into alternatives.

Motion: **It was moved by Mr. Myers to authorize staff to publish the “Change in Proposed Rule” with DAR. The motion was seconded by Mr. Sprott and was unanimously approved.**

NEXT MEETING:

Wednesday, October 22, 2008 in Room 101 at the DEQ Building. The work meeting will begin at 9:00 AM followed by the formal Board meeting scheduled to begin at 10:00 AM.

Joe Piccolo, Chairman
Utah Water Quality Board